

# STATE OF NEW YORK

8712--B

2025-2026 Regular Sessions

## IN ASSEMBLY

June 2, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law and the public service law, in relation to prohibiting utility service terminations in multiple dwellings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 235-a of the real property law, as  
2 amended by chapter 143 of the laws of 2020, is amended to read as  
3 follows:
- 4 1. In any case in which a residential tenant shall lawfully make a  
5 payment to a utility company pursuant to the provisions of [~~sections~~  
6 ~~thirty-three,~~ section thirty-four [~~and one hundred sixteen~~] of the  
7 public service law, or to a utility company as defined in subdivision  
8 twenty-three of section two of the public service law, public authority,  
9 water-works corporation, as defined in subdivision twenty-seven of  
10 section two of the public service law, or municipal water system, as  
11 prescribed in section eighty-nine-1 of the public service law, for water  
12 service which a landlord is responsible for but has failed or refused to  
13 provide payment therefor, such payment shall be deductible from any  
14 future payment of rent.
- 15 § 2. Section 33 of the public service law, as added by chapter 713 of  
16 the laws of 1981, paragraphs (c) and (d) of subdivision 1 as amended by  
17 chapter 195 of the laws of 2010, is amended to read as follows:
- 18 § 33. [~~Discontinuance of residential utility service to multiple~~  
19 ~~dwellings~~] Action for receivership of rents and common charges on resi-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13069-06-6

1 dential utility service to multiple dwellings. 1. Notwithstanding any  
2 other provisions of law, no public utility company, including the Long  
3 Island power authority, or municipality shall discontinue gas, electric  
4 or steam service to an entire multiple dwelling (as defined in the  
5 multiple dwelling law or the multiple residence law) located anywhere in  
6 this state for nonpayment of bills rendered for service [~~unless such~~]. A  
7 public utility company or municipality may commence an action against  
8 the owner of the premises affected seeking the appointment of a receiver  
9 of rents or payments for use and occupancy or common charges, as defined  
10 in section three hundred thirty-nine-e of the real property law, against  
11 such multiple dwelling for the amount of such utility bills. A utility  
12 shall have given fifteen days written notice of its intention so to  
13 [~~discontinue~~] seek such appointment of a receiver as follows:

14 (a) Such notice shall be served personally on the owner of the prem-  
15 ises affected, or in lieu thereof, to the person, firm, or corporation  
16 to whom or which the last preceding bill has been rendered and from whom  
17 or which the utility has received payment therefor, and to the super-  
18 intendent or other person in charge of the building or premises  
19 affected, if it can be readily ascertained that there is such super-  
20 intendent or other person in charge.

21 (b) In lieu of personal delivery to the person or persons, firm or  
22 corporation specified in paragraph (a) [~~above~~] of this subdivision, such  
23 notice may be mailed in a postpaid wrapper to the address of such person  
24 or persons, firm or corporation.

25 (c) In addition to the notice prescribed by paragraph (a) or (b) of  
26 this subdivision, fifteen days written notice shall be (i) posted in the  
27 public areas of such multiple dwelling, (ii) mailed to the "Occupant" of  
28 each unit in that multiple dwelling, (iii) mailed to the local health  
29 officer and the director of the social services district for the poli-  
30 tical subdivision in which the multiple dwelling is located, (iv) if the  
31 multiple dwelling is located in a city or a village, mailed to the mayor  
32 thereof, or if there be none, to the manager, or, if the multiple dwell-  
33 ing is located in a town, then mailed to the town supervisor, (v) mailed  
34 to the county executive of the county in which the multiple dwelling is  
35 located, or if there be none, then to the [~~chairman~~] chairperson of such  
36 county's legislative body, and (vi) mailed to the office of the New York  
37 state long term care ombudsman, if the multiple dwelling is a residen-  
38 tial health care facility as defined in subdivision three of section  
39 twenty-eight hundred one of the public health law, an adult care facili-  
40 ty as defined in subdivision twenty-one of section two of the social  
41 services law, or an assisted living residence as defined in subdivision  
42 one of section forty-six hundred fifty-one of the public health law as  
43 added by chapter two of the laws of two thousand four. Notice required  
44 by subparagraphs (iv) and (v) of this paragraph may be mailed to the  
45 persons specified therein or to their respective designees. The notice  
46 required by this paragraph shall state [~~the intended date of discontin-~~  
47 ~~uance of service,~~] the amount due for such service, and [~~the procedure~~  
48 ~~by which any tenant or public agency may make such payment and thereby~~  
49 ~~avoid discontinuance of service~~] that the utility will not discontinue  
50 service and shall seek the appointment of a receiver of rents or  
51 payments against the owner. The notice shall be in clear and under-  
52 standable language and provided in any language required by the commis-  
53 sion pursuant to section forty-four of this article, provided that any  
54 more expansive language requirement established as part of settlement  
55 with the commission or department shall be followed.

~~1 [(d) The written notice required by subparagraphs (iii), (iv), (v) and  
2 (vi) of paragraph (c) of this subdivision shall be repeated not more  
3 than four days nor less than two days prior to such discontinuance.~~

~~4 1-a. Whenever a notice of intention to discontinue utility service has  
5 been made pursuant to the provisions of this section and obligations  
6 owed the utility or municipality have been satisfied, the utility or  
7 municipality shall notify, in the same manner as it gave such notice of  
8 intention, the occupant of each unit that the intention to discontinue  
9 utility service no longer exists.]~~

10 2. (a) Following the notification of intent to seek an action as  
11 outlined in subdivision one of this section, a utility corporation may  
12 petition the court of competent jurisdiction for appointment of a  
13 receiver of rents or payments for use and occupancy or common charges,  
14 as defined in section three hundred thirty-nine-e of the real property  
15 law, for any dwelling which the owner or the person, firm or corporation  
16 who received such notification is in default. The court shall issue an  
17 order to show cause why a receiver should not be appointed, which shall  
18 be served upon the owner, the building's lessor, manager, or their agent  
19 in a manner prescribed by the court which shall include posting of such  
20 order on the premises of such multiple dwelling in question in a manner  
21 similar to paragraph (c) of subdivision one of this section. If a peti-  
22 tion or petitions are filed by a single petitioner regarding more than  
23 one building under the same ownership, the court shall, if practicable,  
24 appoint a common receiver for all such buildings and, if filed as sepa-  
25 rate actions, may consolidate such petitions and treat them as a single  
26 action.

27 (b) A hearing shall be held on such order no later than seventy-two  
28 hours after its issuance or the first court day thereafter. The sole  
29 purpose of such a hearing shall be to determine whether there is an  
30 amount owed between the owner and the utility corporation. The court  
31 shall make a determination of any amount due and any amount so deter-  
32 mined shall constitute a lien upon the real property of such owner. If  
33 after determination of any amount due by the court the owner, the  
34 building's lessor, manager, or their agent petitions the court to be  
35 permitted to pay such amounts, the court may, in lieu of appointing a  
36 receiver, issue an order permitting such owner, the building's lessor,  
37 manager, or agent to repay the amounts due the petitioning utility  
38 corporation within a time fixed by the court. If at the time fixed in  
39 the order the amounts have not been repaid, the court shall appoint such  
40 receiver. Such lien shall include:

41 (i) the name and address of the utility corporation, including any  
42 doing business as name or the corporation;

43 (ii) the name and address of the corporation's attorney, if any;

44 (iii) the name of the owner of the real property or properties against  
45 which such unpaid utility bills exist;

46 (iv) the amount unpaid to the lienor for such arrearage; and

47 (v) the property or properties subject to the lien, with a  
48 description thereof sufficient for identification; and if in a city or  
49 village, the property or properties location(s) by street and number.

50 Such lien shall be filed in the clerk's office of the county  
51 where the property or properties is situated. If such property or prop-  
52 erties is situated in two or more counties, such lien shall be  
53 filed in the office of the clerk of each of such counties.

54 (c) As soon as practicable, but no more than ten days after the  
55 receipt of the order of appointment of such receiver, such receiver  
56 shall provide written notice to all occupants of the building or build-

1 ings, delivered separately to each dwelling unit, stating that the  
2 receiver has been authorized to collect all rents or payments for use  
3 and occupancy or common charges, as defined in section three hundred  
4 thirty-nine-e of the real property law due from such occupant and that  
5 the owner, the building's lessor, manager, or their agent is prohibited  
6 from collecting such rents or payments for use and occupancy, or common  
7 charges. The notice shall additionally be sent to those outlined in  
8 paragraph (c) of subdivision one of this section. Such notice shall  
9 include the address to which payments are to be made and the contact  
10 information with which the receiver will be contacted, which shall  
11 include at a minimum a telephone number. The notice shall be in clear  
12 and understandable language and provided in any language required by the  
13 commission pursuant to section forty-four of this chapter, provided that  
14 any more expansive language requirement established as part of settle-  
15 ment between the commission or department and the petitioner shall be  
16 followed. A copy of the court order appointing the receiver and author-  
17 izing the collection of rents shall be attached to the notice.

18 (d) The receiver appointed by the court shall collect all rents or  
19 payments for use and occupancy or common charges forthcoming from the  
20 occupants of the building or buildings in question in place of the  
21 owner, the building's lessor, manager, or any agent. The court shall  
22 authorize the receiver to utilize such collected rents or payments for  
23 expenses reasonably necessary to continue the operation and management  
24 of such building or buildings, make reasonable repairs, and provide  
25 reasonable maintenance to the premises as determined by the court and in  
26 accordance with section two hundred thirty-five-b of the real property  
27 law, the reasonable cost of which, should such actions not be covered  
28 by the rents or payments received, shall be added to the total amount  
29 due and owing from the owner. The receiver may also petition the court  
30 in order to recover amounts due as determined under paragraph (b) of  
31 this subdivision and continuing charges for such gas, electric, or steam  
32 service until all such charges and other costs have been paid.

33 (e) The receiver shall pay the petitioner or other supplier from such  
34 rents or payments for use and occupancy or common charges for electric,  
35 gas, water, or steam, supplied on and after the date of their appoint-  
36 ment. The owner, the building's lessor, manager, or their agent shall be  
37 liable for such reasonable fees and costs determined by the court to be  
38 due to the receiver, which fees and costs may be recovered from the  
39 rents or payments for use and occupancy under the control of the receiv-  
40 er, provided no such fees or costs shall be recovered until after the  
41 payment for current electric, gas, water, or steam delivery has been  
42 made. Any moneys from rental payments or payments for use and occupancy  
43 or common charges remaining after payment for current electric, gas,  
44 steam and water service deliveries, for expenses reasonably necessary to  
45 continue the operation and management of such building or buildings as  
46 determined by the court and in accordance with section two hundred thir-  
47 ty-five-b of the real property law, and after payment for reasonable  
48 costs and fees to the receiver, shall be applied to any arrearage found  
49 by the court to be due and owing the petitioner from the owner or their  
50 agent for service provided to such building or buildings. Any moneys  
51 remaining thereafter shall be turned over to the owner, the building's  
52 lessor, manager, or their agent. The court may order an accounting to be  
53 made at such times as it determines to be just, reasonable, and neces-  
54 sary.

55 (f) For the purposes of this section, the department charged with  
56 enforcing the multiple dwelling law shall prepare a schedule of all

1 multiple dwellings within its jurisdiction and shall provide a copy of  
2 such schedule to any gas, steam or electric corporation or municipality  
3 subject to the provisions of this section. Such schedule shall be  
4 revised semi-annually and a revised copy provided to such corporation.  
5 Every county, and every municipality to which the multiple dwelling law  
6 does not apply, which county or municipality has compiled or hereafter  
7 may compile a listing of all multiple dwellings within its jurisdiction  
8 shall make such listing available without charge to any gas, steam or  
9 electric corporation providing service in such county or municipality.

10 ~~3. [Any gas, electric or steam corporation or municipality which will-~~  
11 ~~fully fails to comply with the provisions of this section shall be~~  
12 ~~liable for a penalty of twenty five dollars for each occupied unit of~~  
13 ~~the multiple dwelling for each day during which service is unlawfully~~  
14 ~~discontinued; provided, however, that when the only non-compliance with~~  
15 ~~this section is failure to mail notice to each "Occupant" as required by~~  
16 ~~clause (ii) of paragraph (c) of subdivision one above the penalty shall~~  
17 ~~be twenty five dollars for each occupied unit of the multiple dwelling~~  
18 ~~to which notice was not mailed for each day during which service is~~  
19 ~~unlawfully discontinued. An action to recover a penalty under this~~  
20 ~~section may be brought by the counsel to the commission in any court of~~  
21 ~~competent jurisdiction in this state in the name of the people of the~~  
22 ~~state of New York. Any moneys recovered in such action shall be paid to~~  
23 ~~the state treasury to the credit of the general fund.~~

24 4.] Any receivership established pursuant to subdivision two of this  
25 section shall be terminated by the court upon its finding, through  
26 notification by the receiver, that the arrearage which was the subject  
27 of the original petition has been satisfied, or that the building has  
28 been sold and the new owner has assumed liability for prospective  
29 service supplied by the petitioner. Upon the court's termination of any  
30 receivership established pursuant to subdivision two of this section,  
31 the receiver shall provide written notice to all occupants of the build-  
32 ing or buildings, delivered in the same manner as notification was sent  
33 pursuant to paragraph (c) of subdivision two of this section, stating  
34 that the receivership has been terminated by the court and the owner,  
35 the building's lessor, manager, or their agent is again authorized to  
36 collect rents or payments for use and occupancy, or common charges.

37 4. Nothing in this section shall prevent the petitioner from pursuing  
38 any other action or remedy it may have against the owner, the building's  
39 lessor, manager, or their agent.

40 5. Nothing in this section shall prevent an action by a tenant or  
41 tenants from pursuing any other action or remedy available to them  
42 against the owner or their agent, or limit any provision of law provid-  
43 ing for the protection or rights of a tenant in regards to eviction.

44 6. Any owner or agent of such owner who collects or attempts to  
45 collect any rent or payment for use and occupancy from any occupant of a  
46 building subject to an order appointing a receiver may be found, after  
47 due notice and hearing, to be in contempt of court.

48 7. Any person who willfully interferes with the posting of the notice  
49 specified in [elause] subparagraph (i) of paragraph (c) of subdivision  
50 one [above], subdivision two, or in subdivision three of this section by  
51 any gas, steam or electric corporation or municipality, or agent of the  
52 court willfully defaces or mutilates any such notice, or willfully  
53 removes the same from the place where it is posted by such company or  
54 court agent prior to the date specified therein for the [discontinuance  
55 of service] notice to seek lien, order to show cause, or notice of  
56 termination of receiver shall be guilty of a violation and, upon

1 conviction, shall be punished by a fine not exceeding twenty-five  
2 dollars.

3 ~~[5. The commission shall maintain rules and regulations for the  
4 payment by tenants of utility bills for gas, electric or steam service  
5 in a multiple dwelling to which this section applies where the owner of  
6 any such multiple dwelling, or the person, firm or corporation to whom  
7 or which the last preceding bill has been rendered or from whom or which  
8 the utility or municipality has received payment therefor, has failed to  
9 pay such utility bills. Such rules and regulations shall (a) provide  
10 that utility service may not be discontinued to any such multiple dwell-  
11 ing as long as the tenants continue to make timely payments in accord-  
12 ance with established procedures; (b) include designation of an office  
13 to advise tenants of the rights and procedures available pursuant to  
14 such rules and regulations; (c) assure that tenants shall not be liable  
15 for bills more than two months in arrears; and (d) require the commis-  
16 sion upon petition of twenty five percent of the tenants of such multi-  
17 ple dwelling to meet with representatives of such tenants and the owner,  
18 person, firm or corporation to whom or which the last preceding bill has  
19 been rendered or from whom or which the utility has received payment  
20 therefor.]~~

21 § 3. Section 116 of the public service law, as amended by chapter 713  
22 of the laws of 1981, subdivision 5 as separately amended by chapter 511  
23 of the laws of 1981, is amended to read as follows:

24 § 116. ~~[Discontinuance of water service to multiple dwellings.]~~ Action  
25 for receivership of rents and common charges on residential water  
26 service to multiple dwellings. 1. Notwithstanding any other provisions  
27 of law, no public utility company shall discontinue water service to an  
28 entire multiple dwelling (as defined in the multiple dwelling law or the  
29 multiple residence law) located anywhere in this state for nonpayment of  
30 bills rendered for service [~~unless such~~]. A public utility company or  
31 municipality may commence an action against the owner of the premises  
32 affected seeking the appointment of a receiver of rents or payments for  
33 use and occupancy or common charges, as defined in section three hundred  
34 thirty-nine-e of the real property law, against such multiple dwelling  
35 for the amount of such utility bills. A utility shall have given fifteen  
36 days' written notice of its intention so to [~~discontinue~~] seek such  
37 appointment of receiver as follows:

38 (a) Such notice shall be served personally on the owner of the prem-  
39 ises affected, or in lieu thereof, to the person, firm, or corporation  
40 to whom or which the last preceding bill has been rendered and from whom  
41 or which the utility has received payment therefor, and to the super-  
42 intendent or other person in charge of the building or premises  
43 affected, if it can be readily ascertained that there is such super-  
44 intendent or other person in charge.

45 (b) In lieu of personal delivery to the person or persons, firm or  
46 corporation specified in paragraph (a) [~~above~~] of this subdivision, such  
47 notice may be mailed in a postpaid wrapper to the address of such person  
48 or persons, firm or corporation.

49 (c) In addition to the notice prescribed by paragraph (a) or (b)  
50 [~~above~~] of this subdivision, fifteen days' written notice shall be (i)  
51 posted in the public areas of such multiple dwelling, (ii) mailed to the  
52 "Occupant" of each unit in that multiple dwelling, (iii) mailed to the  
53 local health officer and the director of the social services district  
54 for the political subdivision in which the multiple dwelling is located,  
55 (iv) if the multiple dwelling is located in a city or a village, mailed  
56 to the mayor thereof, or if there be none, to the manager, or, if the

1 multiple dwelling is located in a town, then mailed to the town supervi-  
2 sor, and (v) mailed to the county executive of the county in which the  
3 multiple dwelling is located, or if there be none, then to the [~~chair-~~  
4 ~~man~~] chairperson of such county's legislative body. Notice required by  
5 subparagraphs (iv) and (v) of this paragraph may be mailed to the  
6 persons specified therein or to their respective designees. The notice  
7 required by this paragraph shall state the [~~intended date of discontin-~~  
8 ~~uance of service, the~~] amount due for such service, and [~~the procedure~~  
9 ~~by which any tenant or public agency may make such payment and thereby~~  
10 ~~avoid discontinuance of service~~] that the utility will not discontinue  
11 service and shall seek the appointment of a receiver of rents or  
12 payments against the owner. The notice shall be in clear and understand-  
13 able language and provided in any language required by the commission  
14 pursuant to section forty-four of this chapter, provided that any more  
15 expansive language requirement established as part of settlement with  
16 the commission or department shall be followed.

17 [~~(d) The written notice required by clauses (iii), (iv) and (v) of~~  
18 ~~paragraph (c) above shall be repeated not more than four days nor less~~  
19 ~~than two days prior to such discontinuance.~~

20 ~~1-a. Whenever a notice of intention to discontinue utility service has~~  
21 ~~been made pursuant to the provisions of this section and obligations~~  
22 ~~owed the utility have been satisfied, the utility shall notify, in the~~  
23 ~~same manner as it gave such notice of intention, the occupant of each~~  
24 ~~unit that the intention to discontinue utility service no longer~~  
25 ~~exists.]~~

26 2. (a) Following the notification of intent to seek an action as  
27 outlined in subdivision one of this section, a utility corporation may  
28 petition the court of competent jurisdiction for appointment of a  
29 receiver of rents or payments for use and occupancy or common charges,  
30 as defined in section three hundred thirty-nine-e of the real property  
31 law, for any dwelling which the owner or the person, firm or corporation  
32 who received such notification is in default. The court shall issue an  
33 order to show cause why a receiver should not be appointed, which shall  
34 be served upon the owner, the building's lessor, manager, or their agent  
35 in a manner prescribed by the court which shall include posting of such  
36 order on the premises of such multiple dwelling in question in a manner  
37 similar to paragraph (c) of subdivision one of this section. If a peti-  
38 tion or petitions are filed by a single petitioner regarding more than  
39 one building under the same ownership, the court shall, if practicable,  
40 appoint a common receiver for all such buildings and, if filed as sepa-  
41 rate actions, may consolidate such petitions and treat them as a single  
42 action.

43 (b) A hearing shall be held on such order no later than seventy-two  
44 hours after its issuance or the first court day thereafter. The sole  
45 purpose of such a hearing shall be to determine whether there is an  
46 amount owed between the owner and the utility corporation. The court  
47 shall make a determination of any amount due and any amount so deter-  
48 mined shall constitute a lien upon the real property of such owner. If  
49 after determination of any amount due by the court the owner, the  
50 building's lessor, manager, or their agent petitions the court to be  
51 permitted to pay such amounts, the court may, in lieu of appointing a  
52 receiver, issue an order permitting such owner, the building's lessor,  
53 manager, or agent to repay the amounts due the petitioning utility  
54 corporation within a time fixed by the court. If at the time fixed in  
55 the order the amounts have not been repaid, the court shall appoint such  
56 receiver. Such lien shall include:

1 (i) the name and address of the utility corporation, including any  
2 doing business as name or the corporation;  
3 (ii) the name and address of the corporation's attorney, if any;  
4 (iii) the name of the owner of the real property or properties against  
5 which such unpaid utility bills exist;  
6 (iv) the amount unpaid to the lienor for such arrearage; and  
7 (v) the property or properties subject to the lien, with a  
8 description thereof sufficient for identification; and if in a city or  
9 village, the property or properties location(s) by street and number.

10 Such lien shall be filed in the clerk's office of the county  
11 where the property or properties is situated. If such property or prop-  
12 erties is situated in two or more counties, such lien shall be  
13 filed in the office of the clerk of each of such counties.

14 (c) As soon as practicable, but no more than ten days after the  
15 receipt of the order of appointment of such receiver, such receiver  
16 shall provide written notice to all occupants of the building or build-  
17 ings, delivered separately to each dwelling unit, stating that the  
18 receiver has been authorized to collect all rents or payments for use  
19 and occupancy or common charges, as defined in section three hundred  
20 thirty-nine-e of the real property law due from such occupant and that  
21 the owner, the building's lessor, manager, or their agent is prohibited  
22 from collecting such rents or payments for use and occupancy, or common  
23 charges. The notice shall additionally be sent to those outlined in  
24 paragraph (c) of subdivision one of this section. Such notice shall  
25 include the address to which payments are to be made and the contact  
26 information with which the receiver will be contacted, which shall  
27 include at a minimum a telephone number. The notice shall be in clear  
28 and understandable language and provided in any language required by the  
29 commission pursuant to section forty-four of this chapter, provided that  
30 any more expansive language requirement established as part of settle-  
31 ment between the commission or department and the petitioner shall be  
32 followed. A copy of the court order appointing the receiver and author-  
33 izing the collection of rents shall be attached to the notice.

34 (d) The receiver appointed by the court shall collect all rents or  
35 payments for use and occupancy or common charges forthcoming from the  
36 occupants of the building or buildings in question in place of the  
37 owner, the building's lessor, manager, or any agent. The court shall  
38 authorize the receiver to utilize such collected rents or payments for  
39 expenses reasonably necessary to continue the operation and management  
40 of such building or buildings, make reasonable repairs, and provide  
41 reasonable maintenance to the premises as determined by the court and in  
42 accordance with section two hundred thirty-five-b of the real property  
43 law, the reasonable cost of which, should such actions not be covered  
44 by the rents or payments received, shall be added to the total amount  
45 due and owing from the owner. The receiver may also petition the court  
46 in order to recover amounts due as determined under paragraph (b) of  
47 this subdivision and continuing charges for such gas, electric, or steam  
48 service until all such charges and other costs have been paid.

49 (e) The receiver shall pay the petitioner or other supplier from such  
50 rents or payments for use and occupancy or common charges for electric,  
51 gas, water, or steam, supplied on and after the date of their appoint-  
52 ment. The owner or their agent shall be liable for such reasonable fees  
53 and costs determined by the court to be due to the receiver, which fees  
54 and costs may be recovered from the rents or payments for use and occu-  
55 pancy under the control of the receiver, provided no such fees or costs  
56 shall be recovered until after the payment for current electric, gas,

1 water, or steam delivery has been made. Any moneys from rental payments  
2 or payments for use and occupancy or common charges remaining after  
3 payment for current electric, gas, steam and water service deliveries,  
4 for expenses reasonably necessary to continue the operation and manage-  
5 ment of such building or buildings as determined by the court and in  
6 accordance with section two hundred thirty-five-b of the real property  
7 law, and after payment for reasonable costs and fees to the receiver,  
8 shall be applied to any arrearage found by the court to be due and owing  
9 the petitioner from the owner or their agent for service provided to  
10 such building or buildings. Any moneys remaining thereafter shall be  
11 turned over to the owner, the building's lessor, manager, or their  
12 agent. The court may order an accounting to be made at such times as it  
13 determines to be just, reasonable, and necessary.

14 (f) For the purposes of this section, the department charged with  
15 enforcing the multiple dwelling law shall prepare a schedule of all  
16 multiple dwellings within its jurisdiction and shall provide a copy of  
17 such schedule to any water corporation subject to the provisions of this  
18 section. Such schedule shall be revised semi-annually and a revised copy  
19 provided to such corporation. Every county, and every municipality to  
20 which the multiple dwelling law does not apply, which county or munici-  
21 pality has compiled or hereafter may compile a listing of all multiple  
22 dwellings within its jurisdiction shall make such listing available  
23 without charge to any water corporation providing service in such county  
24 or municipality.

25 3. ~~[Any water corporation which willfully fails to comply with the~~  
26 ~~provisions of this section shall be liable for a penalty of twenty five~~  
27 ~~dollars for each occupied unit of the multiple dwelling for each day~~  
28 ~~during which service is unlawfully discontinued, provided, however, that~~  
29 ~~when the only non-compliance with this section is failure to mail notice~~  
30 ~~to each "Occupant" as required by clause (ii) of paragraph (c) of subdivi-~~  
31 ~~sion one above the penalty shall be twenty five dollars for each occu-~~  
32 ~~pied unit of the multiple dwelling to which notice was not mailed for~~  
33 ~~each day during which service is unlawfully discontinued. An action to~~  
34 ~~recover a penalty under this section may be brought by the counsel to~~  
35 ~~the commission in any court of competent jurisdiction in this state in~~  
36 ~~the name of the people of the state of New York. Any monies recovered in~~  
37 ~~such action shall be paid to the state treasury to the credit of the~~  
38 ~~general fund.~~

39 4.] Any receivership established pursuant to subdivision two of this  
40 section shall be terminated by the court upon its finding, through  
41 notification by the receiver, that the arrearage which was the subject  
42 of the original petition has been satisfied, or that the building has  
43 been sold and the new owner has assumed liability for prospective  
44 service supplied by the petitioner. Upon the court's termination of any  
45 receivership established pursuant to subdivision two of this section,  
46 the receiver shall provide written notice to all occupants of the build-  
47 ing or buildings, delivered in the same manner as notification was sent  
48 pursuant to paragraph (c) of subdivision two of this section, stating  
49 that the receivership has been terminated by the court and the owner,  
50 the building's lessor, manager, or their agent is again authorized to  
51 collect rents or payments for use and occupancy, or common charges.

52 4. Nothing in this section shall prevent the petitioner from pursuing  
53 any other action or remedy it may have against the owner or their agent.

54 5. Nothing in this section shall prevent an action by a tenant or  
55 tenants from pursuing any other action or remedy available to them

1 against the owner or their agent, or limit any provision of law provid-  
2 ing for the protection or rights of a tenant in regards to eviction.

3 6. Any owner or agent of such owner who collects or attempts to  
4 collect any rent or payment for use and occupancy from any occupant of a  
5 building subject to an order appointing a receiver may be found, after  
6 due notice and hearing, to be in contempt of court.

7 7. Any person who willfully interferes with the posting of the notice  
8 specified in [~~clause~~] subparagraph (i) of paragraph (c) of subdivision  
9 one, subdivision two, and subdivision three [~~above~~] of this section by  
10 any water corporation or agent of the court, willfully defaces or muti-  
11 lates any such notice, or willfully removes the same from the place  
12 where it is posted by such company or court agent prior to the date  
13 specified therein for the [~~discontinuance of service~~] notice to seek  
14 lien, order to show cause, or notice of termination of receiver shall be  
15 guilty of a violation and, upon conviction, shall be punished by a fine  
16 not exceeding twenty-five dollars.

17 [~~5. The commission shall maintain rules and regulations for the~~  
18 ~~payment by tenants of utility bills for water service in a multiple~~  
19 ~~dwelling to which this section applies where the owner of any such~~  
20 ~~multiple dwelling, or the person, firm or corporation to whom or which~~  
21 ~~the last preceding bill has been rendered or from whom or which the~~  
22 ~~utility has received payment therefore, has failed to pay such utility~~  
23 ~~bills. Such rules and regulations shall (i) provide that utility service~~  
24 ~~may not be discontinued to any such multiple dwelling as long as the~~  
25 ~~tenants continue to make timely payments in accordance with established~~  
26 ~~procedures; (ii) include designation of an office to advise tenants of~~  
27 ~~the rights and procedures available pursuant to such rules and regu-~~  
28 ~~lations; (iii) assure that tenants shall not be liable for bills more~~  
29 ~~than two months in arrears; and (iv) require the commission upon peti-~~  
30 ~~tion of twenty-five percent of the tenants of such multiple dwelling to~~  
31 ~~meet with representatives of such tenants and the owner, person, firm or~~  
32 ~~corporation to whom or which the last preceding bill has been rendered~~  
33 ~~or from whom or which the utility has received payment therefore.]~~

34 § 4. This act shall take effect on the ninetieth day after it shall  
35 have become a law.